

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
FEBRUARY 6, 2006**

The Tippecanoe County Commissioners met on Monday, February 6, 2006 at 10:00 A.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President John L. Knochel, Vice President Ruth E. Shedd, and Member KD Benson. Also present were: Auditor Robert A. Plantenga, Commissioners' Assistant Jennifer Weston, County Attorney David W. Luhman, and Secretary Pauline E. Rohr.

President Knochel called the meeting to order and led the Pledge of Allegiance. He then called for a moment of silence in memory of Army Spc. Matthew Frantz, a Lafayette native, who was recently killed in Iraq.

APPROVAL OF MINUTES

- Commissioner Shedd moved to approve the Minutes of the January 10, 2006 Special Joint Meeting with the County Council and the January 17, 2006 Regular Meeting as distributed, seconded by Commissioner Benson; motion carried.

APPROVAL OF ACCOUNTS PAYABLE VOUCHERS

- Upon the recommendation of Commissioners' Assistant Jennifer Weston, Commissioner Benson moved to approve the Accounts Payable Vouchers through February 6, 2006 with no exceptions, seconded by Commissioner Shedd; motion carried.

HIGHWAY: Executive Director Opal Kuhl

Cumberland Road Extension Public Meeting

Ms Kuhl announced a public meeting will be held at 6:00 P.M., February 13, 2006 at Bethel Christian Life Center. The Commissioners are seeking public input on possible route locations for extending Cumberland Road from 3/8 mile west of US 52 to Klondike Road at County Road 250 N.

Contract: Highway Garage Rule 13 and Functionality Assessment: R. W. Armstrong

Ms Kuhl presented for approval the contract with R. W. Armstrong in the amount of \$19,700 to assess the safety and functionality of the Highway Garage including an evaluation with regard to IDEM's Rule 13.

- Commissioner Shedd moved to approve the contract with R. W. Armstrong for the Highway Garage Rule 13 and Functionality Assessment, seconded by Commissioner Benson; motion carried.

**Street Acceptance: Harrison Highland SD, Ph 1 and Ph 1, Sec 2
Maintenance Bond #1753004: \$89,197.50: 3 Years: Atlas Excavating, Inc.**

<u>Street Name</u>	<u>Length Ft.</u>	<u>Road Width</u>	<u>R/W Width</u>	<u>Surface</u>	<u>Type</u>
Sinclair Drive	1,745.01	30'	50'	Asphalt	Curb & Gutter
Chattan Drive	371.07	30'	50'	Asphalt	Curb & Gutter
Macbeth Drive	1,741.12	30'	50'	Asphalt	Curb & Gutter
Macbain Court	240.00	30'	50'	Asphalt	Curb & Gutter
Buchanan Drive	1,876.66	30'	50'	Asphalt	Curb & Gutter
Fergusson Drive	457.08	30'	50'	Asphalt	Curb & Gutter
Total	6,340.94 Feet		Total Lots: 125 (1-125) & (Outlots A & B)		
	= 1.201 Miles				

- Commissioner Shedd moved to accept the streets in Harrison Highland SD Ph 1 and Ph 1, Sec 2 and 3 year Maintenance Bond #1753004 in the amount of \$89,197.50 from Atlas Excavating, Inc., seconded by Commissioner Benson; motion carried.

Street Acceptance: Masons Ridge SD

Maintenance Bond #4934049: \$64,630: 3 Years: Fairfield Contractors, Inc.

<u>Street Name</u>	<u>Length Ft.</u>	<u>Road Width</u>	<u>R/W Width</u>	<u>Surface</u>	<u>Type</u>
Masons Ridge Road	2,015.26	30'	50'	Concrete	Curb & Gutter
Masons Ridge Court	762.13	30'	50'	Concrete	Curb & Gutter
Sandstone Court East	806.90	30'	50'	Concrete	Curb & Gutter
Sandstone Court West	1,421.92	30'	50'	Concrete	Curb & Gutter
Keystone Court	299.84	30'	50'	Concrete	Curb & Gutter
Total	5,306.05		Total Lots: 89 (1-89) & (Outlots A & B)		
	= 1.005 Miles				

- Commissioner Shedd moved to accept the streets in Masons Ridge SD and 3 year Maintenance Bond #4934049 in the amount of \$64,630 from Fairfield Contractors, Inc., seconded by Commissioner Benson; motion carried.

Street Acceptance: Polo Fields SD

Maintenance Bond #4934054: \$13,909: 3 Years: Fairfield Contractors, Inc.

<u>Street Name</u>	<u>Length Ft.</u>	<u>Road Width</u>	<u>R/W Width</u>	<u>Surface</u>	<u>Type</u>
Funnycide Lane	1,090.30	30'	50'	Concrete	Curb & Gutter
Total	1,090.30		Total Lots: 14 (1-14) & (Outlot "A")		
	= 0.207 Miles				

- Commissioner Shedd moved to accept the streets in Polo Fields SD and 3 year Maintenance Bond #4934054 in the amount of \$13,909 from Fairfield Contractors, Inc., seconded by Commissioner Benson; motion carried.

Continuation Certificates: Bond #8 S 103766642 BCM, Tri-County Telephone Co. d/b/a/ TDS Telecom

- Commissioner Shedd moved to accept the one (1) year Continuation Certificate beginning February 20, 2006 and ending on February 20, 2007 for Bond #8 S 103766642-BCM in the amount of \$5,000 for Tri-County Telephone Company d/b/a TDS Telecom, seconded by Commissioner Benson; motion carried.

Construction Maintenance Bond #1758555: Atlas Excavating, Inc.

- Commissioner Shedd moved to accept Three (3) year Construction Maintenance Bond #1758555 in the amount of \$5,000 for Atlas Excavating, Inc. for work in all County right-of-ways, seconded by Commissioner Benson; motion carried.

Construction Maintenance Bond #24220771: Winco Construction Co., Inc.

- Commissioner Shedd moved to accept Three (3) year Construction Maintenance Bond #24220771 in the amount of \$5,000 for Winco Construction Co., Inc. for work in the right-of-way at 3860 Old Romney Road, seconded by Commissioner Benson; motion carried.

Bid Announced: Truck Mounted Paint Striping Machine

Ms Kuhl announced that advertisements for bids for a Truck Mounted Paint Striping Machine will be published on February 10th and 17th. Bids will be opened at 10:00 A.M., March 6, 2006.

ORDINANCE 2006-02-CM: Z-2277, Lafayette Savings Bank AW to A: Bank Representative Harry A. Dunwoody

Ordinance 2006-02-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Shedd moved to hear and approve Ordinance 2006-02-CM, seconded by Commissioner Benson.

(quote)

January 19, 2006

Ref. No.: 06-024

Tippecanoe County Commissioners
20 N. 3rd Street
Lafayette, IN 47901

CERTIFICATION

RE: **Z-2277-LAFAYETTE SAVINGS BANK / HARRY A. DUNWOODY
(AW TO A):**

Petitioner is requesting rezoning of 2.496 acres located south of SR 38 E, just west of the South Fork of Wildcat Creek, more specifically known as 7911-7913 SR 38 E, Sheffield 9 (NE) 22-3.

Dear County Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on January 18, 2006, the Area Plan Commission of Tippecanoe County voted 8 yes - 3 no on the motion to rezone the subject real estate from AW to A. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their February 6, 2006 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

/s/Sallie Dell Fahey
Executive Director

(unquote)

Mr. Dunwoody requested a zoning change from AW to A for a property the Bank acquired through foreclosure. Although there have been flood zone issues, he said the 2.496 acres was certified out of the flood zone in December 2005. He said the property either meets or exceeds all setback requirements. Since the site is occupied by a duplex built in 1999, a zoning change to A will make it a conforming use with other single family housing in the area and therefore more marketable.

Commissioner Shedd asked for verification of when the duplex was built and if the property was in the flood zone at that time. Mr. Dunwoody said the permit was issued in 1999 and construction began that year and continued into 2000. Star & Associates rendered a flood boundary survey at that time that showed the property was out of the flood zone.

Auditor Plantenga recorded the vote:

John Knochel	Yes
Ruth Shedd	No
KD Benson	Yes

- The motion to approve Ordinance 2006-02-CM passed 2 – 1.

ORDINANCE 2006-03-CM: Z- 2278, F. David Lux R2 and PDRS to R1B: David Lux

Ordinance 2006-03-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Shedd moved to hear and approve Ordinance 2006-03-CM, seconded by Commissioner Benson.

(quote)

January 19, 2006
Ref. No.: 06-025

Tippecanoe County Commissioners
20 N. 3rd Street
Lafayette, IN 47901

CERTIFICATION

RE: **Z--2278-F. DAVID LUX (R2 and PDRS TO R1B):**
Petitioner is requesting rezoning of Outlot 319 in Hadley Moors Subdivision, Part 2 plus 2.09 acres from the tract adjacent to the north, located on the north side of North Candlewick Lane, Wabash 36 (NW) 24-5.

Dear County Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on January 18, 2006, the Area Plan Commission of Tippecanoe County voted 11 yes - 0 no on the motion to rezone the subject real estate from R2 and PDRS to R1B. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their February 6, 2006 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

/s/Sallie Dell Fahey
Executive Director

(unquote)

Mr. Lux requested a zoning change for two (2) Outlots that have been developed.

Auditor Plantenga recorded the vote:

Ruth Shedd	Yes
KD Benson	Yes
John Knochel	Yes

- The motion to approve Ordinance 2006-03-CM passed 3 – 0.

2006 POLL LOCATIONS: Board of Election & Registration Co-Directors Heather Maddox and Laurie Wilson

Ms Maddox and Mrs. Wilson distributed their recommendation for 2006 Poll locations. Due to population growth, eight (8) precincts were added but the number of polling places was reduced to 68 because some locations were combined. Mrs. Wilson said changes in State law allowed them to combine some polling places due to the lack of ADA accessible locations. She noted that each reduction of a polling place saves the County approximately \$900 per year. In an effort to increase student voting at Purdue University, they are working with Purdue to consolidate four students precincts, Wabash 15, 16, 17, & 18, into one accessible and convenient location before the upcoming Primary Election. This consolidation will save hiring three (3) Clerks for each election.

- Commissioner Shedd moved to approve the 2006 Poll locations, seconded by Commissioner Benson; motion carried.

TRADE IN VOTING SYSTEM CONTRACT: Diebold Election Systems: Board of Election & Registration Co-Directors Heather Maddox and Laurie Wilson

Mrs. Wilson presented the Agreement with Diebold Election Systems to trade in our current voting machines and purchase additional new machines with Federal HAVA Funds. Because Diebold is behind in production, she said this probably won't occur until mid-summer.

Mrs. Wilson said they are negotiating to cut the shipping and handling cost approximately \$20,000 by coordinating the pickup of the new machines with the return of the current machines. They will further reduce the cost by lowering the number of ADA "VIBS" Kit machines from 80 to 75 which will give them one per precinct plus a few extra.

Attorney Luhman suggested adding to the last sentence of page 3, section 7 that "DESI will promptly deliver a remedial plan for such non-conformity 'with reasonable dispatch'". He said this language was included in the old contract.

- Commissioner Shedd moved to approve the contract for voting machines with Diebold Election Systems for the not-to-exceed the amounts of \$484,590 for the voting system and \$30,500 for warranties and licenses set forth in Exhibit A, Pricing and Payment Schedule, seconded by Commissioner Benson; motion carried.

VILLA APPLICATIONS

- Commissioner Shedd moved to approve applications to the Villa of Glenn Forsberg, Virginia G. Clark, and Linda C. Purchase, seconded by Commissioner Benson; motion carried.

WAGE BOARD APPOINTMENTS

- Commissioner Shedd moved to appoint Dave Lahr to the Common Wage Board for various projects in the City of Lafayette and the City of West Lafayette, seconded by Commissioner Benson; motion carried.

UNFINISHED BUSINESS

County-wide Noticing of Smoking & Non-Smoking Restaurants & Bars (Refer to 01/03/2006 Minutes)

As a follow up to Lafayette City Councilman Jack Rhoda's request for the Commissioners' approval for County-wide implementation of a notice on the main entrance to restaurants and bars to identify them as smoking and non-smoking facilities, Commissioner Shedd announced the Health Department's attorney has drafted an ordinance. She said the Commissioners have reviewed the ordinance but will ask the Health Department to hold public hearings to get public input before the Commissioners take any action.

NEW BUSINESS

Major Moves Legislation

President Knochel said State legislation, "Major Moves", passed in the House and is being sent to the Senate. He asked the Commissioners to approve the drafting of a letter of support to the Governor's Office from Tippecanoe County as well as the drafting of a resolution of support by the County Attorney for the Commissioners' signatures. Commissioners Shedd and Benson supported his suggestion. President Knochel asked Commissioner Benson to draft a letter for their signatures. Commissioner Shedd she would like to see the wording of a resolution before approving it.

- Commissioner Shedd moved to authorize Commissioner Benson to write a letter of support for "Major Moves" legislation for the Commissioners' signatures and to ask Attorney Luhman to draft a resolution of support by the February 21st meeting, seconded by Commissioner Benson; motion carried.

REPORTS

Reports from the Clerk of the Circuit Court, Weights & Measures, Veterans Affairs, and Mail & Duplicating are on file in the Commissioners' Office for review.

PUBLIC COMMENT

None.

ADJOURNMENT

- Upon Commissioner Shedd's motion, the meeting adjourned.

BOARD OF COMMISSIONERS OF THE COUNTY OF TIPPECANOE

John L. Knochel, President

Ruth E. Shedd, Vice President

KD Benson, Member

ATTEST:

Robert A. Plantenga, Auditor